

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

STATE OF TEXAS, ET AL.;)
Plaintiffs,)
v.) Case No. 1:18-cv-00068
)
UNITED STATES OF AMERICA, ET AL.;)
Defendants,)
and)
)
KARLA PEREZ ET AL.;)
)
STATE OF NEW JERSEY,)
Defendants-Intervenors.)
)

***PRO HAC VICE'S MOTION
FOR LEAVE TO FILE AMICUS CURIAE BRIEF
IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT***

Charles Breiterman, admitted *Pro Hac Vice*, respectfully moves the court for leave to file an *amicus* brief in support of the plaintiffs' Motion for Summary Judgment (Document #625), filed 1/31/2023.

Dated: February 7th, 2023

Respectfully Submitted,



Charles Breiterman
N.Y. Bar #4513685
45 East 89 Street #24B
New York, NY 10128
Tel. 917-528-0474
email: BreitermanLaw@gmail.com

**AFFIRMATION IN SUPPORT OF *PRO HAC VICE'S* MOTION
FOR LEAVE TO FILE**

IDENTITY AND INTERESTS OF MOVANT

FRAP 29(a)(4)(D)-(E) requires the following. Proposed *amicus curiae* is a solo-practitioner residing in New York City with relevant contact information supplied under the signature. Affirmant is a graduate of Wesleyan University (Connecticut) (B.A.), Boston University School of Law (J.D.) and the University of Maryland (M.A. and passed doctoral comprehensive exams). My interest in the case stems from extensive research conducted on the immigration topic. Affirmant authored the proffered brief in its entirety and received no compensation from any outside source. Affirmant's authority to file the documents onto the district court's server comes from being admitted *Pro Hac Vice*, and the authority to file the brief will come from this Court's granting the Motion for Leave to File, should the Court do so.

REASONS TO GRANT LEAVE TO FILE THE PREFERRED *AMICUS CURIAE* BRIEF

- 1) Affirmant believes the proffered brief will bring relevant matter to the attention of the Court that has not already been brought to its attention by the parties or by any *amicus*.
- 2) The Motion for Summary Judgment of the plaintiffs that was re-filed on January 31, 2023 (Document #625) relies on the dispensation concept.
- 3) The plaintiffs development of the dispensation concept is insufficient. Furthermore, affirmant has never found the concept sufficiently covered in the submissions to the federal district courts, federal circuit courts and the Supreme Court in the DACA rescission litigation of 2018-2020.
- 4) In this affirmant's motion for admission *Pro Hac Vice*, affirmant provided evidence that the affirmant

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2023, I caused this document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.



Charles Breiterman

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**ORDER GRANTING PRO HAC VICE COUNSEL CHARLES BREITERMAN'S
COMBINED MOTION TO FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE
AND LEAVE FOR LATER FILING UNDER FRAP RULE 29(a)(6)**

On considering *Pro Hac Vice* counsel Charles Breiterman's Motion For Leave to File a brief as *amicus curiae* in support of plaintiff's Motion for Summary Judgment and the brief submitted herewith, the Court believes the Motion is meritorious and should be granted.

IT IS THEREFORE ORDERED that the Motion for Leave to File is GRANTED; and it is
FURTHER ORDERED that the Clerk is directed to file the *Amicus* Brief submitted with the
Motion for Leave to File.

SIGNED on this _____ day of _____, 2023.

Hon. Andrew S. Hanen,
U.S. District Court Judge